

HOUSE BILL 3963
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 10, Title 3, Chapter 6, and to amend Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001), the Comprehensive Governmental Ethics Reform Act of 2006, to clarify provisions of such act and to make technical corrections in such act and in such statutes amended by such act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting the language "July quarterly statement" in the third sentence of subdivision (c)(1) in §2-10-105 in SECTION 2 and by substituting instead the language "previously filed quarterly statement".

SECTION 2. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting the language "October quarterly statement" in the fifth sentence of subdivision (c)(1) in §2-10-105 in SECTION 2 and by substituting instead the language "previously filed quarterly statement".

SECTION 3. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting the language "listed in subdivisions (a)(2)-(6)" in §2-10-114(d) in SECTION 8 and substituting instead the language "listed in subdivisions (a)(2)-(6) and (a)(8)".

SECTION 4. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting the language "subdivisions (e)(2) and (3)" in §2-10-114(d)(4) in SECTION 8 and substituting instead the language "subdivisions (d)(2) and (3)".

SECTION 5. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting the language "where subdivision (e)(4) applies" in §2-10-114(d) in SECTION 8 and substituting instead the language "when subdivision (d)(4) applies".

SECTION 6. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting subdivision (2)(C) in the amendatory language of SECTION 24 and substituting instead the following:

Permit such person's name to be used or make contributions in support of or in opposition to any candidate, except that a staff person's immediate family may make campaign contributions in support of or in opposition to any candidate or proposition;

SECTION 7. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by deleting subdivision (h)(4) in the amendatory language in SECTION 25 and by substituting instead the following:

(4) Permit such person's name to be used or make campaign contributions in support of or in opposition to any candidate, except that a member's immediate family may make campaign contributions in support of or in opposition to any candidate or proposition;

SECTION 8. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting subdivision (C) of §3-6-103(b)(2) in SECTION 26 in its entirety and by substituting instead the following language as a new subdivision (C):

(C) Permit such person's name to be used or make contributions in support of or in opposition to any candidate, except that a staff person's immediate family may make campaign contributions in support of or in opposition to any candidate or proposition;

SECTION 9. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting subdivision (4) of §3-6-103(h) in SECTION 26 in its entirety and by substituting instead the following:

(4) Permit such person's name to be used or make campaign contributions in support of or in opposition to any candidate, except that a member's immediate family

may make campaign contributions in support of or in opposition to any candidate or proposition;

SECTION 10. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting subdivision (8) of §3-6-107 in SECTION 26 in its entirety and by substituting instead the following language as a new subdivision (8):

(8) Assess and collect civil penalties in amounts provided by statute; provided, that the commission shall only have the power to assess a civil penalty after notice and opportunity for a hearing; and

SECTION 11. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting the first sentence of subsection (a) of §3-6-205 in SECTION 27 in its entirety and by substituting instead the following language:

The Tennessee ethics commission may impose a civil penalty for a violation of this chapter, the "Conflict of Interest Disclosure Law" compiled in title 8, chapter 50, part 5, and §§2-10-122 – 2-10-129, except where another penalty is prescribed by law.

SECTION 12. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting the language "report or statement required by the 'Conflict of Interest Disclosure Law', compiled in title 8, chapter 50, part 5" in subdivision (1) of §3-6-205(a) in SECTION 27 and by substituting instead the language "report or statement required to be filed with the commission".

SECTION 13. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting subdivision (2) of §3-6-205(a) in SECTION 27 in its entirety and by substituting instead the following:

(2) "Class 2 offense" means failing to file a report or statement required to be filed with the commission within thirty-five (35) days after service of process or receipt of notice by registered or certified mail of an assessment or any other violation within the jurisdiction of the commission, except where another penalty is prescribed by law. A

Class 2 offense is punishable by a maximum civil penalty of not more than ten thousand dollars (\$10,000).

SECTION 14. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting subsection (b) in §3-6-205 in SECTION 27 and by substituting instead the following language as a new subsection (b):

(b) Any candidate for state or local public office who fails to file any report or statement required to be filed with the commission shall be ineligible to qualify for election to any state or local public office until such statement or report is filed.

SECTION 15. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by inserting the language "or local" immediately after the language "state" in §3-6-206(b) in SECTION 27.

SECTION 16. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting the language "the commission against such" in the first sentence of subsection (a) of §3-6-209 in SECTION 27 and by substituting instead the language "the commission member or employee against such".

SECTION 17. Chapter ___ of the Public Acts of 2006 (SB7001 / HB7001), is amended by deleting the language "§3-6-305(b) or (c)" in subsection (c) of SECTION 29 and by substituting instead the language "§3-6-305(b)".

SECTION 18. Chapter ___ of the Public Acts of 2006 (SB 7001 / HB 7001), is amended by deleting from SECTION 35, §3-6-302(b)(1)(A), the language "and, in the case of a corporation, association or governmental entity," and by substituting instead the following:

and, in the case of a corporation, labor organization, association or membership organization,

SECTION 19. Chapter ___ of the Public Acts of 2006 (SB 7001 / HB 7001), is amended by deleting from SECTION 35, §3-6-302(b)(2)(B), the language "each employer the lobbyist is authorized to represent;" and by substituting instead the following:

each employer or governmental entity the lobbyist is authorized to represent;

SECTION 20. Chapter ___ of the Public Acts of 2006 (SB 7001 / HB 7001) is amended by adding the following new subsection at the end of §3-6-302 in SECTION 35:

(h) All reports required to be filed pursuant to the provisions of title 3, chapter 6, part 1, in effect on January 1, 2006, shall be filed with the registry; and, notwithstanding the provisions of such law to the contrary, the completion date for all registration and reporting requirements shall be September 30, 2006. Penalties for failure to register or report in compliance with the provisions of such law and this subsection shall be imposed by the registry in accordance with the law in effect on January 1, 2006.

SECTION 21. Chapter ___ of the Public Acts of 2006 (HB 7001 / SB 7001) is amended by deleting the language "Section 25 of this act" in the amendatory §8-50-505(b) in Section 40 and by substituting instead the language "Section 27 of this act".

SECTION 22. Chapter ___ of the Public Acts of 2006 (HB 7001/ SB 7001) is amended by adding the following as a new subsection to the amendatory language of SECTION 46:

(d) Any caucus that files disclosure statements under title 2, chapter 10, part 1, shall be considered in compliance with the provisions of this section.

SECTION 23. Chapter No. ___ of the Public Acts of 2006 (SB 7001 / HB 7001) is amended by adding the following new language at the end of Section 53:

Notwithstanding any provision of this section to the contrary, for purposes of promulgation of rules and regulations, imposition of civil and other penalties, creation and publication of forms, acquisition or development of software programs and other necessary computer hardware, appointment of ethics commission members,

organization and hiring of staff, repeal of §§3-6-108 and 3-6-114, and revival of §§3-6-101 - 3-6-107 and 3-6-109 - 3-6-113 and 3-6-115, the provisions of this act shall be effective and take effect upon becoming a law, the public welfare requiring it; and §§3-6-101 - 3-6-107 and 3-6-109 - 3-6-113 and 3-6-115 are revived and reenacted.

Notwithstanding any provision of this section to the contrary, SECTION 14 shall take effect on October 1, 2006; provided, however, for purposes of conducting audits pursuant to this section, all campaign contribution and expenditure statements filed during 2006 shall be subject to examination by the registry. SECTIONS 26, 27, 36, 37, 38, 39 and 40 shall take effect on October 1, 2006, except as provided in this section; and within SECTION 35, §§3-6-304 and 3-6-305 and §§3-6-301 and 3-6-307, solely for purpose of defining terms for the implementation of §§3-6-304 and 3-6-305, shall take effect upon becoming a law, the public welfare requiring it and §§3-6-301, 3-6-302, 3-6-303, 3-6-306, 3-6-307 and 3-6-308, except as provided in this paragraph, shall take effect October 1, 2006. From February 15, 2006, through September 30, 2006, §§ 3-6-304 and 3-6-305, §§2-10-122 - 2-10-129 and SECTIONS 33 and 34 of this act shall be implemented and enforced by the registry of election finance. On and after October 1, 2006, title 3, chapter 6, part 3, §§2-10-122 - 2-10-129 and SECTIONS 33 and 34 of this act shall be implemented and enforced by the ethics commission.